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Express Mail No.: EK305107157US

Docket No.: 784CIP2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT APPLICATION TRANSMITTAL UNDER 37 CFR 1.53

BOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s): Y. Tom Tang, Chenghua Liu, Vinod Asundi, Chongjun Xu, Ping Zhou, Yunqing Ma, Jian-Rui Wang, Qing A. Zhao, Feiyan Ren, Rui-hong Chen, Dunrui Wang, Zhiwei Wang, Tom Wehrman, Jie Zhang, Xiaohong B. Qian, John Tillinghast, Radoje T. Drmanac

Title: NOVEL NUCLEIC ACIDS AND POLYPEPTIDES

## 1. Type of application

- ☐ This is a new application for a
- ☐ Utility patent.
- ☐ Design patent.
- ☒ This is a continuation-in-part application of prior application no. 09/552,317 filed April 25, 2000, Attorney Docket No. 784CIP, which is a continuation-in-part application of prior application no. 09/488,725 filed January 21, 2000, Attorney Docket No. 784.

## 2. Application Papers Enclosed

1 Title Page

115 Pages of Specification (excluding Claims, Abstract, Drawings & Sequence Listing)

4 Page(s) of Claims

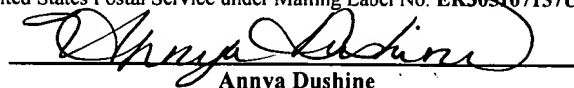
1 Page(s) of Abstract

0 Sheet(s) of Drawings (Figs. X-X) ☐ Formal ☐ Informal

984 Page(s) of Sequence Listing

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Patent Application Transmittal and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on June 20, 2000, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EK305107157US

  
Annya Dushine

3. **Oath or Declaration**

- ☐ Enclosed
  - ☐ Executed by (check all applicable boxes)
  - ☐ Inventor(s)
  - ☐ Legal representative of inventors(s) (37 CFR 1.42 or 1.43)
  - ☐ Joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached
  - ☐ The petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 are enclosed. See Item 5D below for fee.
- ☒ Unexecuted – the undersigned attorney or agent is authorized to file this application on behalf of the applicant(s). An executed declaration will follow.

4. **Additional Papers Enclosed**

- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Declaration of Biological Deposit
- ☒ Computer readable copy of sequence listing containing nucleotide and/or amino acid sequence
- ☒ Statement Under 37 CFR § 1.821
- ☒ Paper copy of sequence listing identical to computer copy (984 pages)
- ☐ Microfiche computer program
- ☒ Verified statement claiming small entity status under 37 CFR 1.9 and 1.27
- ☐ Associate Power of Attorney
- ☐ Verified translation of a non-English patent application
- ☒ Return receipt postcard
- ☐ Other \_\_\_\_\_

5. **Priority Applications Under 35 USC 119**

Certified copies of applications from which priority under 35 USC 119 is claimed are listed below and

- ☐ are attached.
- ☐ will follow.

6. **Filing Fee Calculation (37 CFR 1.16)**

A. ☒ **Utility Application**

CLAIMS AS FILED – INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$345.00		\$690.00
TOTAL	28-20	= 8	X 9 =	\$72.00	X 18 =	\$0.00
INDEP.	3-3	= 0	X 39 =	\$0.00	X 78 =	\$0.00
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ 130 =	\$0.00	+ 260 =	\$0.00
FILING FEE:				\$417.00	OR	\$0.00

B. ☐ **Design Application (\$155.00/\$310.00)** Filing Fee: \$ \_\_\_\_\_

C. ☐ **Plant Application (\$240.00/\$480.00)** Filing Fee: \$ \_\_\_\_\_

D. **Other fees**

☐ Recording Assignment [Fee -- \$40.00 per assignment] \$ \_\_\_\_\_

☐ Other \$ \_\_\_\_\_

**TOTAL FEES \$ 417.00**

7. **Preliminary Amendment**

Please amend the specification by inserting before the first line the sentence: -- This is a continuation--in-part of application Serial No. 09/552,317, filed April 25, 2000, entitled "Novel Nucleic Acids and Polypeptides" which is a continuation--in-part of application Serial No. 09/488,725, filed January 21, 2000, entitled "Novel Contigs Obtained From Various Libraries" both herein incorporated by reference. --

8. **Method of Payments of Fees**

- ☐ Enclosed check
- ☒ Charge Deposit Account No. 501169. A duplicate copy of this transmittal is enclosed
- ☐ Not enclosed

9. **Deposit Account and Refund Authorization**

The Commissioner is hereby authorized to charge payment of any additional fees due or credit any overpayment to Deposit Account No. 501169. A duplicate copy of this transmittal is enclosed.

Please refund any overpayment to Hyseq, Inc. at the address below.

Please direct all future correspondence to Petrina S. Hsi at the address below.

Respectfully submitted,

Date: June 20, 2000

By:



Petrina S. Hsi  
Attorney for Applicants  
Registration No.: 38,496  
HYSEQ, INC.  
670 Almanor Avenue  
Sunnyvale, CA 94086  
(408) 524-8100  
(408) 524-8145 (Telefacsimile)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) or Patentee(s): Y. Tom Tang, Chenghua Liu, Vinod Asundi, Chongjun Xu, Ping Zhou, Yunqing Ma, Jian-Rui Wang, Qing A. Zhao, Feiyan Ren, Rui-hong Chen, Dunrui Wang, Zhiwei Wang, Tom Wehrman, Jie Zhang, Xiaohong B. Qian, John Tillinghast, Radoje T. Drmanac

Application No. or Patent No.: Not Yet Assigned

Filed or Issued: Herewith

For: NOVEL NUCLEIC ACIDS AND POLYPEPTIDES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR § 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ The owner of the small business concern identified below:  
☒ An official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: HYSEQ, INC.  
ADDRESS: 670 Almanor Avenue  
Sunnyvale, CA 94086

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR § 121.12, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees under § 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the invention, entitled NOVEL NUCLEIC ACIDS AND POLYPEPTIDES by inventors, Y. Tom Tang, et al. described in

- ☒ The specification filed herewith.  
☐ Application Serial No. [ ], filed [Date].  
☐ Patent No. [ ], issued [Date].

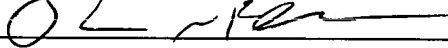
If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below<sup>1</sup> and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR § 1.9(c), or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

Full Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
( ) Individual ( ) Small Business Concern ( ) Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of person signing: James N. Fletcher  
Title of person  
other than owner: Sr. Vice President of Administration and General Counsel  
Address of person signing: HYSEQ, INC.  
670 Almanor Avenue  
Sunnyvale, CA 94086

Signature:   
Date: 6/16/00

<sup>1</sup>NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR § 1.27)